Chan Tai Ern Bermillo (a minor bringing this action through his biological father and next friend, the second plaintiff) & Anor v Ketua Pengarah Pendaftaran Negara, Malaysia & Ors

COURT OF APPEAL (PUTRAJAYA) — CIVIL APPEAL NO W-01(IM)(NCVC)-360–10 OF 2017
ABDUL RAHMAN SEBLI, ZALEHA YUSOF AND RHODZARIAH BUJANG JJCA
14 FEBRUARY 2020

Constitutional Law — Application for — High Court dismissed appellants' application for declaration that first appellant was citizen of Malaysia — Whether first appellant born out of wedlock — Whether child born out of wedlock could be regarded as legitimate child once his parents marry each other after he was born — Whether s 17 of Part III of the Second Schedule of the Federal Constitution applicable — Whether child who had obtained foreign citizenship was deprived of Malaysian citizenship — Federal Constitution arts 14(1)(b) & 24, Second Schedule, Part III, s 17 & Part II, s 1(b) — Legitimacy Act 1961 ss 3, 4 & 9

Constitutional Law — Interpretation — Interpretation of constitution — Fundamental rule in interpreting Federal Constitution — Whether Federal Constitution could be supplemented by Parliamentary legislations or any international instruments

This was an appeal against the decision of the trial court in dismissing the appellants' originating summons for a declaration that the first appellant was a citizen of Malaysia pursuant to art 14(1)(b) of the Federal Constitution ('the FC') or under art 15(2) of the FC. The second appellant, a citizen of Malaysia was the biological father of the first appellant whereas the first appellant's mother was a citizen of the Republic of the Philippines. The first appellant was born on 27 September 2010 in the Philippines, but his biological parents only legally registered their marriage in Malaysia on 22 February 2011. The first appellant was therefore an illegitimate child at the time of his birth. The issues for the court's determination were: (a) whether a child born out of wedlock could be regarded as a legitimate child for the purpose of art 14(1)(b) of the FC, once his parents marry each other after he was born, hence s 17 of Part III of the Second Schedule was not applicable ('the first question'); and (b) whether a child who had obtained a foreign citizenship was deprived of Malaysian citizenship ('the second question').

Held, dismissing the appeal with no order as to costs:

(1) In the present appeal, the child was born out of wedlock. He was illegitimate at the time of his birth. Section 17 of Part III of the Second Schedule specifically stipulated that 'father' in relation to a person who was illegitimate referred to his mother. The mother of the first appellant was a citizen of the Republic of the Philippines. Hence one of the qualifications of the citizenship by operation of law that the father, in this case, the mother, was a Malaysian citizen at the time of the first appellant's birth, by plain reading of the provisions of the FC, had not been fulfilled (see paras 4–5).

(2) The wording of s 1(b) of Part II of the Second Schedule was very clear. It talked about every person born outside the Federation 'whose father as at the time of the birth a citizen'. The emphasis was 'at the time of the child's birth'. Legitimacy of the child under ss 3 and 4 of the Legitimacy Act 1961 ('the LA 1961') could not be retrospective as s 4 of the same clearly stated that the child was rendered legitimate 'from the prescribed date or from the date of the marriage, whichever is the later'. It means the child was only deemed legitimate on the date of the marriage of his parents and not from the date of his birth (see para 10).

(3) Section 9 of the LA 1961 provided for personal rights and obligations of a legitimated person. However, it only confined to maintenance and support, claim for damages, compensation, allowance and benefit. It did not include rights to citizenships. The LA 1961 was not competent as a legal instrument to confer citizenship status in view of unequivocal words of the FC as the supreme law of the Federation (see para 11).

(4) The fundamental rule in interpreting the FC was to give effect to the intention of the framers. Such intention was gathered from the language of the provision. The court may only call in aid of other canons of construction to interpret words of the FC that were imprecise, protean or evocative or could reasonably bore meaning more than one. But the court could not interpret words that did not exist in the FC or insert new words into it. The constitutional regime and mechanism for acquisition of citizenship reside under Part III (arts 14–31) of the FC and they were not to be supplemented by other Parliamentary legislations or any international instruments. Based on the above reasons, the court answered the first question in the negative (see paras 20–21 & 23–24).

(5) Article 24 of the FC provided that voluntarily acquisition of a person of a foreign citizenship would deprive him of his Malaysian citizenship. It also provided that any person who had voluntarily claimed and exercised any rights accorded exclusively to the citizen of a foreign country may also be deprived of his citizenship. Clause (3A) of art 24 deemed the exercise of a vote or the use of a passport issued by a foreign country, to be voluntarily claiming and exercising the rights of a foreign citizenship. In the present appeal, the first appellant was indeed a citizen of a foreign

country, the Philippines; and he had been issued with the Philippines Passport, and had been using the said passport for travelling. He was therefore, by virtue of art 24 of the FC, deprived of a Malaysian citizenship. The second question was answered in the negative (see paras 15, 18 & 25–26).

[Bahasa Malaysia summary

Ini adalah rayuan terhadap keputusan mahkamah bicara dalam menolak saman pemula perayu untuk pengisytiharan bahawa perayu pertama adalah warganegara Malaysia menurut perkara 14(1)(b) Perlembagaan Persekutuan ('PP') atau di bawah perkara 15(2) PP. Perayu kedua yang merupakan warganegara Malaysia adalah bapa kandung perayu pertama sementara ibu perayu pertama adalah warganegara Republik Filipina. Perayu pertama dilahirkan pada 27 September 2010 di Filipina, tetapi ibu bapa kandungnya hanya mendaftarkan perkahwinan mereka di Malaysia secara sah pada 22 Februari 2011. Oleh itu, perayu pertama adalah anak yang tidak sah taraf semasa kelahirannya. Isu-isu untuk penentuan mahkamah adalah: (a) sama ada anak yang dilahirkan sebelum perkahwinan boleh dianggap sebagai anak yang sah taraf bagi tujuan perkara 14(1)(b) PP, setelah ibu bapanya berkahwin selepas kelahirannya dan oleh itu s 17 Bahagian III Jadual Kedua PP tidak terpakai ('soalan pertama'); dan (b) sama ada anak yang telah memperoleh kewarganegaraan asing dilucutkan kewarganegaraan Malaysia ('soalan kedua').

Diputuskan, menolak rayuan tanpa perintah berkenaan kos:

(1) Dalam rayuan semasa, anak tersebut dilahirkan sebelum perkahwinan. Anak tersebut tidak sah taraf semasa kelahirannya. Seksyen 17 Bahagian III Jadual Kedua secara khusus menetapkan bahawa 'bapa' yang berhubungan dengan orang yang tidak sah taraf merujuk kepada ibunya. Ibu perayu pertama adalah warganegara Republik Filipina. Oleh itu salah satu kelayakan kewarganegaraan melalui undang-undang bahawa bapa, dalam hal ini, ibu, adalah warganegara Malaysia semasa perayu pertama dilahirkan, dengan membaca secara jelas peruntukan PP, tidak dipenuhi (lihat perenggan 4–5).

(2) Perkataan di dalam s 1(b) Bahagian II Jadual Kedua adalah sangat jelas. Ia membincangkan tentang tiap-tiap orang yang dilahirkan di luar Persekutuan 'yang bapanya pada masa kelahiran itu seorang warganegara'. Penekanan adalah 'pada masa kelahiran anak'. Kesahtarafan anak di bawah ss 3 dan 4 Akta Kesahtarafan 1961 ('AK 1961') tidak terpakai secara retrospektif kerana s 4 Akta yang sama dengan jelas menyatakan bahawa anak tersebut menjadi sah 'dari tarikh yang ditetapkan atau dari tarikh perkahwinan, yang mana satu kemudian'. Ini bermaksud anak tersebut hanya dianggap sah taraf pada tarikh perkahwinan ibu bapanya dan bukan dari tarikh kelahirannya (lihat perenggan 10).

(3) Seksyen 9 AK 1961 memperuntukkan hak peribadi dan kewajipan orang yang disahtarafkan. Namun, ini hanya terbatas pada penyelenggaraan dan sokongan, tuntutan ganti rugi, pampasan, elaun dan faedah. Ianya tidak termasuk hak kewarganegaraan. Akta Kesahtarafan 1961 adalah tidak kompeten sebagai instrumen undang-undang untuk memberikan status kewarganegaraan memandangkan terdapatnya peruntukan jelas PP sebagai undang-undang tertinggi Persekutuan (lihat perenggan 11).

(4) Peraturan asas dalam menafsirkan PP adalah dengan memberi kesan kepada niat pembuat PP. Niat tersebut boleh didapati dari bahasa peruntukan. Mahkamah hanya boleh menggunakan sumber penafsiran lain untuk menafsirkan peruntukan PP yang tidak tepat, berubah-ubah atau menggugah atau dapat memberi makna lebih daripada satu. Tetapi mahkamah tidak boleh menafsirkan perkataan yang tidak terdapat di dalam PP atau memasukkan perkataan baru ke dalamnya. Rejim perlembagaan dan mekanisma untuk memperoleh kewarganegaraan berada di bawah Bahagian III (perkara 14–31) PP dan ianya tidak harus dilengkapi dengan perundangan Parlimen lain atau peruntukan-peruntukan antarabangsa. Berdasarkan alasan di atas, mahkamah menjawab soalan pertama secara negatif (lihat perenggan 20–21 & 23–24).

(5) Perkara 24 PP memperuntukkan bahawa pengambilan kewarganegaraan asing secara sukarela oleh seseorang akan melucutkan kewarganegaraannya dari Malaysia. Peruntukan tersebut juga memperuntukkan bahawa setiap orang yang secara sukarela menuntut dan menggunakan hak yang diberikan secara eksklusif kepada warganegara asing juga boleh kehilangan kewarganegaraannya. Klausa (3A) perkara 24 menganggap pengundian atau penggunaan pasport yang dikeluarkan oleh negara asing merupakan suatu tindakan sukarela menuntut dan menggunakan hak kewarganegaraan asing. Dalam rayuan semasa, perayu pertama sememangnya seorang warganegara asing iaitu Filipina; dan dia telah diberikan pasport Filipina, dan telah menggunakan pasport tersebut untuk berpergian. Oleh itu, berdasarkan perkara 24 PP, dia dilucutkan kewarganegaraan Malaysia. Soalan kedua dijawab secara negatif (lihat perenggan 15, 18 & 25–26).]

Cases referred to

Chin Kooi Nah (suing on behalf of himself and as litigation representative to Chin Jia Nee, child) v Pendaftar Besar Kelahiran dan Kematian, Malaysia [2016] 7 MLJ 717; [2016] 1 CLJ 736, HC (refd)

Foo Toon Aik (suing on his own behalf and as representative of Foo Shi Wen, Child) v Ketua Pendaftar Kelahiran dan Kematian, Malaysia [2012] 9 MLJ 573; [2012] 4 CLJ 613, HC (refd)

Loh Kooi Choon v Government of Malaysia [1977] 2 MLJ 187, FC (refd)

Pendaftar Besar Kelahiran dan Kematian, Malaysia v Pang Wee See & Anor

(applying on their behalf and as litigation representatives for Pang Cheng Chuen, a child) [2017] 3 MLJ 308, CA (refd)

Legislation referred to

Federal Constitution arts 14, 14(1)(b), 15, 15(2), 16, 17, 18, 19, 20, 21, 22, 23, 24, 24(2), (3A), 25, 26, 27, 28, 29, 30, 31, Second Schedule, Part II, s 1(b), Part III
Legitimacy Act 1961 ss 3, 4, 9

Appeal from: Originating Summons No WA-24NCVC-1858–11 of 2016 (High Court, Kuala Lumpur)

(Francis Pereira & Shan) for the appellants.
(Senior Federal Counsel, Attorney General's Chambers) for the respondent.

Zaleha Yusof JCA:

[1] The High Court at Kuala Lumpur had on 23 August 2017 dismissed the appellants' originating summons which, inter alia, sought for a declaration that the first appellant is a Malaysian citizen pursuant to art 14(1)(b) or under art 15(2) of the Federal Constitution ('the FC'). Hence, the appeal before us by the appellant. However, before us, learned counsel for the appellants informed us that the appellants were not pursuing art 15(2) but confined their appeal to only art 14(1)(b) of the FC.

[2] The second appellant, a Malaysian at the time of the birth of the first appellant, is the biological father of the first appellant. The first appellant's mother is a citizen of the Republic of the Philippines. The first appellant was born on 27 September 2010 in the Philippines but his biological parents only legally registered their marriage in Malaysia on 22 February 2011. Hence the first appellant was an illegitimate child at the time of his birth.

ISSUES

[3] Can a child born out of wedlock be regarded as a legitimate child for the purpose of art 14(1)(b) of the Federal Constitution, once his parents marry each other after he was born, hence s 17 of Part III of the Second Schedule is not applicable.

[4] Whether a child who has obtained a foreign citizenship is deprived of Malaysian citizenship.

A OUR DECISION

[5] On the first issue, art 14(1)(b) of the Federal Constitution talks about citizenship by operation of law. However it needs to be read together with Parts II and III of the Second Schedule of the FC. For ease of reference we reproduce the relevant provisions as follows:

B

> Article 14(1)(b)
>
> Citizenship by operation of law
>
> C 14(1) Subject to the provisions of this Part, the following persons are citizens by operation of law, that is to say:
>
> (a) ...
>
> (b) *every person born* on or *after Malaysia Day*, *and having any of the qualifications specified* in *Part II* of the Second Schedule.
>
> D Section 1 of Part II of the Second Schedule:
>
> 1 *Subject to the provisions of Part III* of this Constitution, the following persons born on or after Malaysia Day *are citizens by operation of law*, that is to say:
>
> E (a) ...
>
> (b) *every person born outside the Federation* whose *father as at the time of the birth a citizen* and *either was born in the Federation* or is at the time of the birth in the service of the federation or of a State;
>
> F Section 17 of Part III of the Second Schedule
>
> Section 17 — For the purposes of Part III of this Constitution, *reference to a person's father or this parent, or to one of his parents, are in relation to a person who is illegitimate to be construed as references to his mother,* and accordingly section 19 of this schedule shall not apply to such a person. (Emphasis added.)

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[6] Reading the above cited provisions, we find there will not be any problem if a child is born legitimate to a father who is a Malaysian citizen even if he is born outside the Federation. But in the instant appeal, the child was born out of wedlock. He was illegitimate at the time of his birth. So there comes the H problems. Section 17 of Part III of the Second Schedule specifically stipulates that 'father' in relation to a person who is illegitimate refer to his mother.

[7] As alluded to earlier, the mother of the first appellant is a citizen of the Republic of the Philippines. Hence one of the qualifications of the citizenship I by operation of law that the father, in this case, the mother, is a Malaysian citizen at the time of the first appellant's birth, by plain reading of the provisions of the FC, has not been fulfilled.

[8] However, learned counsel for the appellants argued that the first

appellant's status had been legitimated since his biological parents subsequently married. Hence the first appellant is not illegitimate and reference to 'person's father' or 'parent' in s 17 of Part III are not to be construed as reference to his Filipino mother. Learned counsel found support in the provision of ss 3, 4 and 9 of the Legitimacy Act 1961 ('the LA 1961'); which for ease of reference are reproduced below:

> Section 3
>
> (1) Nothing in this Act shall operate to legitimate a person unless the marriage leading to the legitimation was solemnised and registered ...
>
> Section 4
>
> Subject to section 3, where the parents of an illegitimate person marry or have married one another, whether before or after the prescribed date, the marriage shall, if the farther of the illegitimate person was or is at the date of the marriage domiciled in Malaysia, render that person, if living, legitimate from the prescribed date or from the date or the marriage, whichever is the later.
>
> Section 9
>
> A legitimated person shall have the same rights and be under the same obligations in respect of the maintenance and support of himself or of any other person as if he had been born legitimate, and subject to this Act the provisions of any written law relating to claims for damages, compensation, allowance, benefit or otherwise by or in respect of a legitimate child shall apply in like manner in the case of a legitimated person.

[9] Learned counsel for the appellants contended that the operation of s 3 of the LA 1961 should be retrospective and once the marriage between the parents has been registered or solemnised the person is granted the new status of being the legitimate child of their parents. He further contended that by virtue the present tense is used in s 17 of Part III of the Second Schedule, and since the first appellant's application for his citizenship is made at the present time, after the marriage of his parents, therefore he would be entitled to claim his citizenship.

[10] The learned senior federal counsel ('SFC') for the respondent argued that while it is true that an illegitimate child may be legitimated under s 3 of the LA 1961, the subsequent marriage of his parents would not change the birth status of the child. Section 4 of the LA 1961 deems the child as legitimate from the date of the marriage, hence the marriage does not have the effect of altering the child's birth status which is illegitimate. She further submitted that s 9 of the LA 1961 only deems as if the illegitimate child had been born legitimate for the purpose of the rights and obligations of maintenance and support of himself, claims for damages, compensation, allowance, and benefit or otherwise. She found support in *Foo Toon Aik (suing on his own behalf and as representative of Foo Shi Wen, Child) v Ketua Pendaftar Kelahiran dan Kematian,*

Malaysia [2012] 9 MLJ 573; [2012] 4 CLJ 613; *Chin Kooi Nah (suing on behalf of himself and as litigation representative to Chin Jia Nee, child) v Pendaftar Besar Kelahiran dan Kematian, Malaysia* [2016] 7 MLJ 717; [2016] 1 CLJ 736 and *Pendaftar Besar Kelahiran dan Kematian, Malaysia v Pang Wee See & Anor (applying on their behalf and as litigation representatives for Pang Cheng Chuen, a child)* [2017] 3 MLJ 308.

[11] We had perused the grounds of judgment of the learned High Court judge. We found the submissions of the parties at the High Court were similar with the submissions before us. We found the learned High Court judge's reasons in dismissing the originating summons were in line with the submissions put forward by the learned SFC. His Lordship had also referred to the same three cases referred to us by the learned SFC. His Lordship in para 69 of the grounds of judgement concluded as follows:

> ... Thus, for purposes of s 17 Part III of the Second Schedule of the Federal Constitution, P1's status is the status that obtained at the time of birth, which means that he was illegitimate at that time, and since his mother, Maylene was a non-citizen, he accordingly lacked the requisite qualification for purposes of acquiring citizenship 'by operation of law' under art 14(1)(b) of the Federal Constitution. This disposes off the main issue in this case.

[12] Having perused the grounds of judgment of the learned High Court judge and considered the submission of the party before us, we found no reason to depart from the decision of the learned High Court judge. With due respect to learned counsel for the appellants, we found the wording of s 1(b) of Part II of the Second Schedule is very clear. It talks about every person born outside the Federation 'whose father as at the time of the birth a citizen'. The emphasis is '*at the time of the child's birth*'. With due respect to learned counsel of the appellants, the legitimacy of the child under ss 3 and 4 of the LA 1961 cannot be retrospective as s 4 of the same clearly states that the child is rendered legitimate '*from the prescribed date or from the date of the marriage, whichever is the later*'. It means the child is only deemed legitimate on the date of the marriage of his parents and not from the date of his birth.

[13] provides for personal rights and obligations of a legitimated person. However it only confines to maintenance and support, claim for damages, compensation, allowance and benefit. It does not include rights to citizenships. We agree with the learned SFC that the LA 1961 is not competent as a legal instrument to confer citizenship status in view of unequivocal words of the FC as the supreme law of the Federation. See the decision of this court in *Pang Wee See*'s case.

[14] But that is not the only issue that concerns us. It was brought to our attention by the learned SFC during the hearing of the appeal that the first

appellant has taken up Philippines' citizenship and that he has been issued with the Philippines Passport. This fact was confirmed by learned counsel for the appellants. Hence comes the second issue.

[15] The learned SFC submitted that since the first appellant holds a Philippines passport, he is bared from being granted a Malaysian citizenship. Learned counsel for the appellants however argued, having been born outside the Federation the first appellant had to travel back to Malaysia and as such had to naturally obtain the relevant travel documents in order for him to enter Malaysia legally with his Malaysian father. As such, the fact that the first appellant holds a Philippines passport cannot be a bar to his applicantion pursuant to s 1(b) Part II of the Second Schedule of the Federal Constitution.

[16] Deprivation of citizenship on acquisition of a foreign passport is clearly provided for under art 24 of the FC. Article 24 of the FC provides as follows:

> 24(1) If the Federal Government is satisfied that any citizen has acquired by registration naturalization or other voluntary and formal act (other than marriage) the citizenship of any country outside the Federation, the Federal Government may by order deprive that person of this citizenship.
>
> (2) If the Federal Government is satisfied that any citizen has voluntarily claimed and exercised in any country outside the Federation any rights available to him under the law of that country, being rights accorded exclusively to its citizens, the Federal Government may by order deprive that person of his citizenship.
>
> (3) (Repealed)
>
> (3A) Without prejudice to the generality of Clause (2), the exercise of a vote in any political election in a place outside the Federation shall be deemed to the voluntary claim and exercise of a right available under the law of that place; and for the purposes of Clause (2), a person who, after such date as the Yang di-Pertuan Agong may by order appoint* for the purpose if this Clause —
>
> (a) Applies to the authorities of a place outside the Federation for the issue or renewal of a passport; or
>
> (b) Uses a passport issued by such authorities as a travel document,
>
> shall be deemed voluntarily to claim and exercise a right available under the law of that place, being a right accorded exclusively to the citizens of that place.
>
> (4) If the Federal Government is satisfied that any woman who is a citizen by registration under Clause (1) of Article 15 has acquired the citizenship of any country outside the Federation by virtue of her marriage to a person who is not a citizen, the Federal Government may by order deprive her of her citizenship.

[17] What the Article provides is that voluntarily acquisition of a person of a foreign citizenship will deprive him of his Malaysian citizenship. It also provides that any person who has voluntarily claimed and exercised any rights

A accorded exclusively to the citizen of a foreign country may also be deprived of his citizenship. Clause (3A) of art 24 deems the exercise of a vote or the use of a passport issued by a foreign country, to be voluntarily claiming and exercising the rights of a foreign citizenship.

B **[18]** Therefore, it is crystal clear that if a person uses a passport issued by a foreign authority as a travel document, the person shall be deemed to claim and exercise a right available under the law of that country, being a right accorded exclusively to the citizen of that country.

C **[19]** This cl (3A) read together with cl (2) of art 24 will deprive that person of his citizenship.

[20] This is what has happened here. The first appellant is indeed a citizen of
D a foreign country, the Philippines; and he has been issued with the Philippines passport, and has been using the said passport for travelling. He is therefore, by virtue of art 24 of the FC, deprived of a Malaysian citizenship.

CONCLUSION

E **[21]** It cannot be argued, our FC provides that children born overseas to a Malaysian father obtain citizenship through operation of law. If a child is born out of wedlock or prior to the marriage registration of his parents, the citizenship status of the child is determined by his mother's citizenship's status.
F His mother's citizenship applies. It does not matter that the parents got married later. That is in our view irrelevant, as the cut-off date for determination is the date of his birth. That is the letter of the FC and being the supreme law of the Federation, no written law such as the LA 1961 can be used to interpret it otherwise.

G **[22]** We agree with the learned SFC that the fundamental rule in interpreting the Constitution is to give effect to the intention of the framers. Such intention is gathered from the language of the provision. Reference is made to NS Bindra at p 1266:

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> The fundamental principle of constitutional construction is to give effect to the intent of the framers of organic law and of the people adopting it. That is, 'according to the intent that made it'. Normally, such intent is gathered from the language of the provision. But if words used in the provision are imprecise, protean or evocative or can reasonably bear meaning more than one, then it is legitimate for the court to
I go beyond and call in aid other well-recognised canons of constructions.

[23] Applying the above principle, the court may only call in aid of other canons of construction to interpret words of Constitution that are imprecise, protean or evocative or can reasonably bear meaning more than one. But the

court cannot interpret words that do not exist in the Constitution or insert new words into it.

[24] In *Loh Kooi Choon v Government of Malaysia* [1977] 2 MLJ 187 at p 190 (Raja Azlan Shah FJ (as his Highness than was)) had stated 'the ultimate touchstone of constitutionality is the Constitution itself and not general principles outside it'.

[25] Learned counsel for the appellant had referred to the United Nations Convention on the Rights of Children and urged us to read the FC in light of the other international laws which we are a party to. But here we are talking about the supreme law of the Federation. The constitutional regime and mechanism for acquisition of citizenship reside under Part III (arts 14–31) of the Federal Constitution and they are not to be supplemented by other Parliamentary legislations or any international instruments.

[26] We therefore answer the first issue in the negative.

[27] The first appellant is undeniably a citizen of the Philippine. Our FC does not recognise dual citizenship. Although our FC was first introduced on 31 August 1957, cl (3A) of art 24 only came into effect on 1 October 1962 by virtue of the Constitution (Amendment) Act 14/1962. The amendment conveyed greater intolerance towards dual citizenship. The government has a discretion to confer citizenship on a stateless child, as the FC provides safeguard against statelessness such as in art 15A of the FC. However the first appellant is not stateless. He is, at the risk of repeating, a citizenship of the Philippines.

[28] We therefore answer the second issue in the negative.

[29] Premised on all the above, we dismiss this appeal with no order as to costs.

Appeal dismissed with no order as to costs.

Reported by Dzulqarnain Ab Fatar